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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,026	07/11/2000	STEPHEN A. HOPPER	PF01949NA	1472

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MOTOROLA INC  
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EXAMINER

SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/614,026

Applicant(s)

HOPPER ET AL.

Examiner

Sujatha Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-7,9-18,20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7,9-18,20,21 are rejected under 35 U.S.C. 102(e) as being anticipated by Robert [US 6,104,712].

Regarding claims 1 and 12, Robert discloses an apparatus and method of operating an ad hoc network in a wireless environment. Robert discloses a transceiver capable of receiving positional information and a GPS system capable of generating positional information. See col. 2, lines 4-7, and lines 22-35. Robert further discloses a method where a pro-active region is selected based on the positional information of the users and a method of maintaining this information on the users of the proactive region. See abstract, background of the invention, summary of invention and column 4, line 34 – column 5, line 33. Robert further discloses a method of obtaining

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topographical information (indicated as terrain and environmental surroundings in the reference) on a region in which the wireless device/node is currently located and a method of selecting the users/nodes based on positional information and topographical information. See col. 2, lines 21-40.

Regarding claims 2,4,5,13,15,16 Robert further discloses a method where the positional information includes information on position, direction of travel and speed of the plurality of users in the ad hoc network. See abstract, col. 2, lines 20-40.

Regarding claims 3,6, 14,17 Robert discloses a method of selecting the users that are relatively stationary to be within the pro-active region. See column 4, line 34 – column 5, line 33.

Regarding claim 7, 18, Robert discloses a method where the users in the pro-active region are selected based on the position, direction of travel and speed. See column 4, line 34 – column 5, line 33.

Regarding claims 9 and 20 Robert further discloses a method where the topographical information is used in selecting the users. See col. 2, lines 21-40.

Regarding claims 10,11,21, Robert further discloses a method of selecting the users based on RF map. See fig.1 and column 4, lines 34-42.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert [US 6,104,712] in view of MPEP 2144.03 “well known prior art”.

Regarding claims 22-25, Robert as treated in claims 1 and 12 discloses all the limitations as claimed.

However he does not disclose a method where the topography information (indicated as terrain and environmental surroundings in the reference) is provided in a map.

The examiner takes official notice that it is obvious to provide topography information such as terrain, environmental surroundings such as buildings in a map in order to facilitate an easy method of analyzing the information in the process of forming the ad-hoc network.

Regarding claim 26, Robert discloses an apparatus and method of operating an ad hoc network in a wireless environment. Robert discloses a transceiver capable of receiving positional information and a GPS system capable of generating positional information. See col. 2, lines 4-7, and lines 22-35. Robert further discloses a method where a pro-active region is selected based on the positional information of the users and a method of maintaining this information on the users of the proactive region. See abstract, background of the invention, summary of invention and column 4, line 34 – column 5, line 33 and claim 7. Robert further discloses a method of obtaining topographical information (indicated as terrain and environmental surroundings in the reference) on a region in which the wireless device/node is currently located and a method of selecting the users/nodes based on positional information and topographical information. See col. 2, lines 21-40.

However he does not disclose a method where the topography information (indicated as terrain and environmental surroundings in the reference) is provided in a map.

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The examiner takes official notice that it is obvious to provide topography information such as terrain, environmental surroundings such as buildings in a map in order to facilitate an easy method of analyzing the information in the process of forming the ad-hoc network.

### ***Response to Arguments***

5. Applicant's arguments filed 5/28/2003 have been fully considered but they are not persuasive. The applicant argues that the reference Robert [US 6,104,712] does not disclose the method of forming an ad-hoc network based on topographic information. However, the applicant is drawn to col.2, lines 20-40 of the reference where the ad-hoc network is formed based on environmental surroundings and terrain, which reads on this limitation. In addition, the applicant argued that the limitation "topographical information" is defined in the present specification, page 11, lines 2-20. However, the broadest interpretation of the limitation "topographical information" is still read on the cited reference since the limitation from the specification, i.e., page 11, lines 2-20 cannot be read into the claims.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

  
Sujatha Sharma  
August 28, 2003

  
NAY MAUNG  
PRIMARY EXAMINER